

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**


**DAVID TYSON, JR.,**

**Plaintiff,**

**V.**

**RICHARDSON INDEPENDENT  
SCHOOL DISTRICT, and JEAN BONO,  
KIM CASTON, KAREN CLARDY,  
KATIE PATTERSON, ERON LINN,  
JUSTIN BONO, and KRISTIN KUHNE, in  
their official capacities,**

## Defendants.



**CIVIL ACTION NO. 3:18-CV-00212-K**

**AGREED MOTION TO DISMISS THE CASE**

Plaintiff, David Tyson, Jr., and Defendants, the Richardson Independent School District, and Jean Bono, Kim Caston, Karen Clardy, Katie Patterson, Eron Linn, Justin Bono, and Kristin Kuhne, in their official capacities, file this Agreed Motion to Dismiss the Case, as follows:

## I.

## GROUNDS FOR MOTION

Plaintiff brought this action against Defendants on January 26, 2018, seeking declaratory and injunctive relief regarding the method by which the Richardson Independent School District (“RISD” or “the District”) elects its Board of Trustees (“Board”). On January 23, 2019, Plaintiff and Defendants filed their Joint Settlement Advisory and Motion for Abeyance of Certain Deadlines, which informed the Court that the parties had reached a settlement agreement (“Agreement”) that was expected to resolve all issues between the parties without the need for further Court intervention. The Court granted the Joint Motion for Abeyance of Certain Deadlines, and abated any interim deadlines through and until February 5, 2019.

Pursuant to the Agreement, Defendants agreed to adopt an electoral plan which consists of five single-member districts and two at-large districts (“5:2 System”), with the populations of no fewer than two of the five single-member districts each comprised of a majority of minority citizens who are of voting age. In order to ensure that these changes will take effect as soon as possible, the parties also agreed to implement the 5:2 System beginning with an election held on November 2019 uniform election date (i.e., November 5, 2019).<sup>1</sup> The parties further agreed that following adoption of the new plan, they would move to dismiss the case. RISD has now adopted the 5:2 System.<sup>2</sup> After consulting with their respective counsel and experts, the parties have independently concluded that the newly-adopted System complies with the Voting Rights Act of 1965 and the requirements of the Agreement.

Because there are no remaining disputes between the parties, Plaintiff and Defendants agree to dismiss, with prejudice, this action in its entirety.

## **II.**

### **REQUESTED RELIEF**

Based on the parties’ agreement that the plan adopted by the Board on February 4, 2019, complies with the Act and satisfies the terms of the Agreement, Plaintiff and Defendants move to dismiss this action in its entirety. The parties have submitted a proposed order reflecting same.

In addition, in order to implement the 5:2 System as contemplated by the Agreement and approved by the Board beginning with an election held on the November 2019 uniform election

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<sup>1</sup> RISD’s regular election date is the May uniform election date. Given that the filing period for an election held on the May 2019 uniform election date has been open since January 16, 2019 (prior to the Board’s adoption of the 5:2 System), the soonest the District could begin implementing its new 5:2 System *and* provide adequate advanced notice to potential candidates of the new district boundaries, is an election held on the only other uniform election date provided by state law—November 2019. This requires the Board to delay its May 2019 election until November of 2019.

<sup>2</sup> On February 5, 2019, Defendants notified Plaintiff that on February 4, 2019, the Board voted 7:0 to adopt an electoral system consistent with the terms of the Agreement.

date, the parties request that RISD be relieved from certain state law requirements for purposes of its 2019 election. Specifically, the parties request that the Court authorize RISD to do the following:

(a) make a one-time change to its election date, moving its 2019 trustee election from the May uniform election date to the November uniform election date (*See* TEX. ELEC. CODE § 41.0052(a));

(b) adjust the terms of office of the trustees whose terms would be expiring in May 2019 to conform to the November 2019 election date, and adjust the terms of those trustees elected in November 2019 to conform to the District's regular May uniform election date (to which the District shall return beginning May 2020), meaning those trustee terms would expire in May 2022 rather than November 2022 (*See* TEX. ELEC. CODE § 41.0052(b))<sup>3</sup>; and

(c) conduct its November 2019 election without an election partner in the event that no entity eligible to partner with RISD for elections is conducting an election on the November 2019 uniform election date (*See* TEX. EDUC. CODE § 11.0581)).

The parties have submitted a separate, proposed order reflecting same. Should the Court decline to grant the parties' request with respect to RISD's obligations under the above state law provisions, the Board has ordered implementation of the 5:2 System beginning with the District's regular May 2020 election.

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<sup>3</sup> Under state law, the authority of a governing board to change its election date to the November uniform election date and to adjust the terms of its officers to conform to that date expired on December 31, 2016. *See* TEX. ELEC. CODE § 41.0052.

DATED: February 5, 2019.

Respectfully submitted,

**BREWER STOREFRONT, PLLC**

/s/ Michael J. Collins

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon all counsel of record in accordance with the Federal Rules of Civil Procedure on this 5th day of February 2019.

/s/ Carlos G. Lopez

Carlos G. Lopez